

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**


MELVIN LEWIS, Jr.,)	
)	
Plaintiff,)	
vs.)	Case No. 2:05-cv-2125-VEH-TMP
)	
SHERIFF MIKE HALE, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on March 7, 2007, recommending that the plaintiff's motion for summary judgment be denied. The magistrate judge further recommended that the defendants' special report be treated as a motion for summary judgment and that the motion be granted and this cause be dismissed with prejudice. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and hereby is **ADOPTED** and his recommendation is **ACCEPTED**. The Court **EXPRESSLY FINDS** that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law. Accordingly, the plaintiff's motion for summary judgment (Doc. #19) is due to be denied, the defendants' motion for summary judgment (Doc. #13) is due to be granted, and this action is due to be dismissed with prejudice. A Final Judgment will be entered.

DONE this the 27th day of March, 2007.


VIRGINIA EMERSON HOPKINS
 United States District Judge